

## **EXHIBIT 3**

Plaintiffs Exhibit 3



## GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: <b>JULY 25, 2005</b>	REVISED DATE: <b>JULY 21, 2005</b>	NO. PAGES: <b>1 of 6</b>	NUMBER: <b>1.3.22</b>
SUBJECT: <b>MUTUAL AID AGREEMENT WITH THE CUYAHOGA METROPOLITAN HOUSING AUTHORITY POLICE DEPARTMENT (CMHAPD)</b>			
ASSOCIATED MANUAL:		RELATED ORDERS: <b>1.3.12</b>	
CHIEF OF POLICE: <i>Michael McGrath, Chief</i>			

**PURPOSE:** To establish procedures governing the interaction and cooperation between the Cleveland Division of Police (CPD) and the Cuyahoga Metropolitan Housing Authority Police Department (CMHAPD).

**POLICY:** The Cleveland Division of Police shall retain the ultimate responsibility for the protection of life and property in the City of Cleveland, including areas within the jurisdiction of the CMHAPD. Personnel of the Division **SHALL NOT** refuse requests for service concerning incidents occurring on CMHA properties in the City of Cleveland.

### PROCEDURES:

#### I. The Cleveland Division of Police shall:

- A. Assist the CMHAPD with investigations or other matters of mutual concern when called upon. CPD shall also make available to other police departments all pertinent data and investigative information concerning crimes committed in their jurisdiction.
- B. Receive evidence needing forensic testing. Officers-in-Charge (OIC's) shall ensure this property is forwarded to the Forensic Unit. The CPD shall process crime scenes at the request of the CMHAPD.
- C. When a CMHAPD prisoner is confined for medical treatment and requires a guard detail, the OIC shall notify the CMHAPD. The CPD shall establish a detail for the initial shift and then turnover responsibility to the CMHAPD no later than the end of the initial shift. The CMHAPD shall use their best effort to transport CMHAPD detainees for non-emergency medical care.

Exhibit D

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- D. Have exclusive investigative responsibility for the following incidents occurring on CMHA property:
  - 1. Incidents involving explosive or incendiary devices.
  - 2. Hostage situations.
  - 3. Deaths other than "Probable Natural".
  - 4. Use of Deadly Force by the CMHAPD.
  - 5. Incidents of Ethnic Intimidation and/or Hate Crimes.
  - 6. Sexual Assaults.
  - 7. Any incident that CPD desires to preempt the investigative function.
- E. Provide the CMHAPD with access to RMS (Record Management System) report numbers through the Report Center.
- F. Receive and serve all warrants that have been generated as a result of CMHAPD enforcement efforts, which have been delivered to CPD via the Municipal Clerk of Court's Office. The CMHAPD will assume the responsibility of picking up and transporting any prisoners arrested by suburban agencies on CMHAPD warrants.
- G. Upon request, make available to the CMHAPD all reasonably pertinent available data concerning crimes committed on CMHA properties.
- H. As is appropriate, share investigative information with the CMHAPD.

## II. Cuyahoga Metropolitan Housing Authority Police Department

- A. Police officers of the CMHAPD shall have full authority commensurate with the authority held by City of Cleveland police officers, while outside of the jurisdiction of the CMHA, but within the jurisdiction of the City of Cleveland, in the following situations:
  - 1. When CMHA police officers are within property expressly owned, leased or contracted by CMHA, all streets and alleys that transverse the listed properties and adjoining streets and areas within 300 feet of said property line, and



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2. When CMHA police officers are within the City of Cleveland's jurisdiction and enroute to or from CMHA property, and exigent circumstances exist, which include any of the following:
    - a. CMHA police officers are in hot pursuit of a fleeing suspect pursuant to ORC 2935.03;
    - b. A police officer or member of the public is in imminent peril of bodily harm if action is not taken immediately;
    - c. The escape of a known criminal or suspect will occur if action is not taken immediately; or
    - d. When CMHA police officers witness the commission of a crime while such crime is in progress. (This does not include misdemeanor drug activity or routine traffic matters.)
  3. When CMHA police officers are participating in a cooperative enforcement effort that has been approved in advance by the Chief Executive Officer of the CMHA, or designee, or the Chief of the CMHA Police Department and the Chief of Police for the City of Cleveland or their designees.
- B. CMHA police officers have felony investigative responsibility for only the following crimes; felony drug investigations, Section 8 frauds involving their property, internal thefts of their property and contract fraud involving their property.
1. CMHA police officers' authority under this protocol is limited to and shall only apply during periods when CMHA police officers are on duty.
- C. The Cuyahoga Metropolitan Housing Authority Police Department shall:
1. Use best efforts to respond to any crime called to CMHAPD's attention on CMHA properties, unless notified by CPD that a response has already been preempted by CPD.
  2. Consistent with its capabilities, the CMHAPD will use best efforts to investigate any misdemeanor or felony crime on their properties.



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3. Copies of reports for all incidents which have been investigated by CMHAPD shall be provided to the Report/Intake Review Unit and the Commander of the District of occurrence by means of a FAX transmission. All reports shall be submitted within 24 hours of the incident except in instances where physical arrests have occurred. Arrest reports shall be forwarded before the end of the arresting officer's tour of duty.
4. In the case of incidents of domestic violence investigated by CMHAPD, CPD GPO 3.4.16 "Enforcement of Domestic Violence Statutes" will be followed.
5. Assume responsibility for transporting prisoners arrested by CMHAPD personnel to jail facilities as directed in CPD GPO 7.1.06 "Adult Prisoner Booking and Housing" and CPD GPO 5.1.02 "Juvenile Prisoner Booking and Housing". Assume responsibility for picking up prisoners arrested by suburban police departments on warrants generated by CMHAPD personnel.
6. If a prisoner requires medical attention, CMHAPD personnel shall transport the prisoner to the nearest hospital prior to booking. If medical attention is required after booking, CMHAPD shall assume the detail by the end of the shift when the detail was established.
7. Be responsible for follow up investigations of ALL arrests made by CMHAPD personnel (not in conflict with SECTION I D [1 through 7] above) and charge or release of all suspects in a timely fashion, following current CPD procedures.

CMHAPD shall be responsible for consulting with the City of Cleveland Municipal Prosecutor whenever required for the issuance of a warrant in connection with arrests effected by their personnel. CMHAPD shall designate a single point of contact (Administrative Commander at 216-391-2642) for resolution of conflicts regarding prisoners.

8. Properly submit drug evidence to the CPD Forensic Unit following CMHA procedures.
9. When called upon, assist CPD with investigations or other matters of mutual concern.

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10. Notify the CPD Record File Section and Vehicle Impound Unit when any stolen auto is recovered by their personnel and verify such recovery by sending the appropriate information via the LEADS System.
11. Have authority to tow vehicles incident to arrest or when recovering stolen vehicles, using their own contract towing agencies. CPD shall be notified in all instances as described in Number 10.
12. Have the authority to direct traffic in and around CMHA properties when appropriate.
13. Enforce parking violations, municipal traffic laws governing moving and vehicle equipment violations on CMHA property, including leased or contracted properties.

### III. CPD COMMUNICATIONS CONTROL SECTION

#### A. Call Takers

1. Upon receipt of a request for service originating within CMHA estates, call takers shall complete the appropriate dispatch information.
2. Shall contact CMHAPD and advise them of the request for service. If CMHAPD accepts the assignment, the call taker shall close the incident with "Handled by CMHAPD".

#### B. Radio Dispatchers

1. Upon receipt of a call for service within a CMHA estate area, dispatch such a request in accordance with prescribed CPD procedures.
2. If a CPD car is not immediately available to handle the assignment, the dispatcher shall contact CMHAPD and advise them of the request for service. If CMHAPD accepts the assignment, the incident shall be closed with "Handled by CMHAPD". If CMHAPD is unable to respond, or if the victim or CMHAPD make a specific request for CPD to respond, the assignment shall be handled in accordance with CPD prescribed procedures.



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#### IV. CPD BSI GENERAL OFFICE UNIT PERSONNEL

- A. When a felony suspect is arrested and booked by CMHAPD personnel, CPD, General Office personnel shall:
  - 1. Obtain booking information in accordance with existing CPD procedures and note that the arrest was by CMHAPD along with the name of the arresting CMHAPD police officer(s).
  - 2. Monitor compliance with CPD GPO 4.1.06 "Charging and Releasing Warrantless Felony Suspects", as well as other written directives relative to the charging or releasing of suspects.
  - 3. General Office personnel shall continue to provide a daily prisoner report to the CMHAPD.

#### V. CPD CRIME SCENE AND RECORDS UNIT PERSONNEL

- A. Felony prisoners arrested and booked by CMHAPD shall be processed by personnel assigned to the Crime Scene and Records Unit in accordance with prescribed CPD policy.

#### VI. CPD RECORD FILE SECTION PERSONNEL

- A. Shall accept copies of ALL Crime Reports submitted by CMHAPD personnel. Felony crime reports shall be entered into the RMS (Record Management System). Misdemeanor crime reports and informational reports shall be filed.

MCM; TAH: MAD  
Policy and Procedures Unit